

Response dated July 12, 2005
Response to Office Action dated April 13, 2005

Application No. 09/868,667

REMARKS

Claims 1-19 are pending with this paper. Claims 1-18 stand rejected. The Applicants are adding claim 19. The Applicants thank the Examiner for withdrawing the finality of the Office Action mailed August 16, 2004.

In preparing for appeal, the Examiner alleges to have discovered art that is applicable to the rejections of claims 1, 2, 4-6, 8-11, 13-15, and 17 under 35 U.S.C. § 102(e). As will be discussed, the Applicants believe that the rejections under 35 U.S.C. § 102(e) are improper. The Office Action fails to provide rejections of claims 3, 7, 12, and 16 under 35 U.S.C. § 102(e).

The Applicant previously filed an IDS on February 4, 2002.

Claim Rejections - 35 U.S.C. §101

Claims 1-18 are rejected by the Office Action under 35 U.S.C. §101.

The Office Action alleges that (Page 2, section 3.)

Claims 1-18 are not claimed to be practiced on a computer, therefore, it is clear that the claims are not limited to practice in the technological arts.

Claim 1 is directed to "A method for creating a presentation on a computer system", and claim 10 is directed to "An apparatus that creates a presentation on a computer system". (Emphasis added.) Claims 2-9 and 11-18 ultimately depend from claims 1 and 10. As amended, claims 1 and 10 are limited to practice in the technological arts.

Moreover, the Applicants have amended claim 1 to better clarify that the claimed invention is limited to practice in the technological arts. For example, claim 1 includes the features of "receiving, through a user interface of the computer system, goal-related information indicative of a goal, the goal-related information specifying one or more learning objectives of the presentation, the goal being associated with a training objective," "querying, through the user interface of the computer system, a user for user-related information based on said one or more learning objectives of the presentation," "analyzing, by a processor of the computer system, the user-related information from user responses to ascertain user

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characteristics," "integrating, by the processor, instruction-related information that motivates accomplishment of the goal for use in the presentation, through a display interface of the computer system, based on the user characteristics," "evaluating progress toward the goal, by the processor, and providing feedback, through the display interface of the computer system, based on the user characteristics that further motivates accomplishment of the goal." (Emphasis added.) The amendment is supported by the specification as originally filed (e.g., Figure 1 and Page 3, lines 1-23).

The Office Action further alleges that claims 1-18 are not "limited to practical applications in the technological arts." (Page 2, section 4.) Specifically, the Office Action alleges that (Page 3, section 4):

Applicant's "information indicative of a goal" references are just such abstract ideas.

However, claim 1 includes the feature of "receiving, through a user interface of the computer system, goal-related information indicative of a goal, the goal-related information specifying one or more learning objectives of the presentation, the goal being associated with a training objective," which is directed to concrete ideas of creating a presentation on a computer for training a user. Claim 1 is not directed to abstract ideas as alleged by the Office Action. Similarly, claim 10 includes "a memory that stores goal-related information under the control of the processor, the goal-related information specifying one or more learning objectives of the presentation, the goal being associated with a training objective."

The Office Action further alleges that (Page 4, section 9):

Applicant cites no such specific results to define a useful, concrete and tangible result. Neither does Applicant specify the associated practical application with the kind of specificity the Federal Circuit used.

As discussed above, independent claims 1 and 10 are directed to a useful, concrete, and tangible result of creating a presentation by "receiving, through a user interface of the computer system, goal-related information indicative of a goal, the goal-related information specifying one or more learning objectives of the presentation, the goal being associated with a training objective," "querying, through the user interface of the computer system, a user for user-related information based on said one or more learning objectives of the presentation," "analyzing, by a processor of

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the computer system the user-related information from user responses to ascertain user characteristics," "integrating, by the processor, instruction-related information that motivates accomplishment of the goal for use in the presentation, through a display interface of the computer system, based on the user characteristics," and "evaluating progress toward the goal, by the processor, and providing feedback, through the display interface of the computer system, based on the user characteristics that further motivates accomplishment of the goal." Claims 2-9 and 11-18 ultimately depend from claims 1 and 10 and are also directed to a useful, concrete, and tangible result for at least the above reasons.

Moreover, claims 2, 3, 11, and 12, claims 4, 5, 13, and 14, claims 6 and 15, claims 7 and 16, claims 8 and 17, and claims 9 and 18 provide additional useful, concrete, and tangible results. Claims 2, 3, 11, and 12 include the features of "instantiating a particular feedback model based on the characteristics of the user" and "logic that instantiates a particular feedback model based on the characteristics of the user." For example, referring to Figure 2, a particular feedback model is instantiated to provide feedback 242 to user 201. Claims 4, 5, 13, and 14 include the features of "creating a tailored presentation based on the characteristics of the user" and "logic that creates a tailored presentation based on the characteristics of the user." For example, referring to Figure 2, a tailored presentation, as provided by presentation layer 210, is created for user 201. Claims 6 and 15 include the features of creating the presentation by "selecting examples based on the characteristics of the user" and "logic that selects examples based on the characteristics of the user." For example, referring to Figure 2, presentation layer 210 provides a presentation to user 201 with examples based on the characteristics of user 201. Claims 7 and 16 further include the features of creating a presentation by selecting a quantitative analysis model to perform what-if analysis based on characteristics of the user" and "logic that selects a quantitative analysis model to perform what-if analysis based on characteristics of the user." Claims 8 and 17 include the features of "tailoring feedback based on a character profile based on the user responses" and "logic that tailors feedback based on a character profile based on user responses." For example, feedback is provided to user 201 based on a character profile based on user responses 238. Claims 9 and 18 include the features of "presenting a tailored simulation based on characteristics of the user" and "logic that presents a tailored simulation based on characteristics of the user." For example, referring to Figure 2, simulation engine presents a tailored simulation based on characteristics of user 201.

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The Office Action further alleges that (Page 6, section 11):

the Examiner finds that Applicant manipulated a set of abstract "information indicative of a goal" to solve purely algorithmic problems in the abstract (i.e., what *kind* of "information" is used in the goal? Algebraic word problems? Boolean logic problems? Fuzzy logic algorithms? Probabilistic word problems? Philosophical ideas? Even vague expressions, about which even reasonable persons could differ as to their meaning? Combinations thereof?

Claims 1-18 are directed to "goal-related information indicative of a goal, the goal-related information specifying one or more learning objectives of the presentation, the goal being associated with a training objective" in a presentation on a computer system and are consequently directed to concrete ideas.

For the above reasons, the Applicants request withdrawal of the rejections of claims 1-18 under 35 U.S.C. § 101.

Claim Rejections - 35 U.S.C. §112

Claims 1-18 are rejected by the Office Action under 35 U.S.C. 112, first paragraph.

Claims 1-18 are rejected by the Office Action under 35 U.S.C. 112, first paragraph "because current case law (and accordingly, the MPEP) require such a rejection if a 101 rejection is given." As discussed above, claims 1-18 are directed to statutory subject material under 35 U.S.C. §101. Thus, the Applicant requests reconsideration of claims 1-18.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 4-6, 8-11, 13-15, and 17 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,807,535 (Goodkovsky).

Goodkovsky claims priority to provisional application No. 60/187,865 and thus has an effective date of March 8, 2000. However, the present patent application claims priority to PCT application No. PCT/US99/02744, which has a filing date of February 8, 1999, under 35 U.S.C. § 371. PCT application No. PCT/US99/02744 has a priority date of December 22, 1998. Thus, the present patent application has an effective date of December 22, 1998. The effective date was acknowledged by the U.S. Patent Office in the Notification of Missing Requirements under 35

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U.S.C. 371 mailed July 27, 2001. A copy of the Notification is included in this paper. Because the effective date of the present patent application precedes the effective date of Goodkovsky, the rejections under 35 U.S.C. § 102(e) are improper. The Applicants request reconsideration of claims 1, 2, 4-6, 8-11, 13-15, and 17.

The Applicants are adding claim 19, which is supported by the specification as originally filed. All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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